

REMARKS

The Examiner has indicated that the oath or declaration is defective and has requested that the Applicants submit a new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date. The Examiner has also rejected claims 1-3 and 12-13 under 35 U.S.C. 102(b) as being anticipated by Daniel (US 6,280,891), claims 1 and 12 under 35 U.S.C. 102(b) as being anticipated by Drinkwater (US 6,369,919), claims 1 and 12 under 35 U.S.C. 102(b) as being anticipated by Stork (US 6,271,967), claims 1 and 12 under 35 U.S.C. 102(b) as being anticipated by Lee (US 5,825,547), and claims 1-3, 8, and 12-13 under 35 U.S.C. 102(e) as being anticipated by Moon (US 2004/0233485). The Examiner also rejected claims 7, and 9-11 under 35 U.S.C. 103(a) as being unpatentable over Moon, claims 4-6, and 14-20 under 35 U.S.C. 103(a) as being unpatentable over Daniel in view of Jung (US 4,171,864), and claims 4-6, and 14-20 under 35 U.S.C. 103(a) as being unpatentable over Moon in view of Jung.

Applicant have amended claims 1, 4-11, and 17-20, have canceled claims 12 and 13 and have added new claims 21-24, in order to more particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Support for the amendments can be found throughout the specification, including in paragraph 28, and support for the new claims can be found throughout the specification, including in paragraphs 13 and 21.

OBJECTION TO THE OATH OR DECLARATION:

Applicants have submitted a revised declaration and have stated that the Post Office Address is the same as the Residence address that is listed. If the Examiner insists that the declaration is still objected to, Applicants will submit a revised declaration.

REJECTION UNDER 35 U.S.C. § 102(b):

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 1-3, and 12-13 under U.S.C. § 102(b) as being anticipated by Daniel.

The invention described in and taught by Daniel is very different from the invention claimed by Applicants. Daniel is directed toward a holographic element in the form of a diffraction grating that generates two different images of a physical object, i.e., a bar code or signature located on a surface separate from and below the layer upon which the diffraction grating is formed. The diffraction grating generates two different images from the physical object and projects them to one or more detectors depending on the angle of the incident light. This is very different from Applicants' invention.

Daniel does not in any way teach or describe a “a holographic element coupled to the substrate, the holographic element including within a planar area defined by the holographic element a first set of optical information in a first coded pattern and including within one or more portions of the planar area defined by the holographic element a second set of optical information in a second coded pattern that is positioned in superimposed relationship with the first set of optical information, wherein the superimposed first set of optical information and second set of optical information results in a pattern of light,” as recited in claim 1. In fact, Daniel teaches and describes juxtaposition of optical markers (col. 3, line 18). Thus, Daniel does not teach or suggest Applicants’ invention.

With respect to dependent claims 2 and 3, because Daniel does not teach or describe each of the elements of independent claim 1 it cannot teach or describe each of the elements of dependent claims 2 and 3.

Because Daniel does not teach or describe each of the elements recited by claims 1-3, or 12-13 of Applicant’s application, it cannot anticipate Applicants’ invention. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 1-3 and 12-13 of the pending application under 35 U.S.C. § 102(b).

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 1 and 12 under U.S.C. § 102(b) as being anticipated by Drinkwater.

The invention described in and taught by Drinkwater is very different from the invention claimed by Applicants. Drinkwater is directed to a holographic security device utilizing diffraction gratings.

Drinkwater does not in any way teach or describe a “a holographic element coupled to the substrate, the holographic element including within a planar area defined by the holographic element a first set of optical information in a first coded pattern and including within one or more portions of the planar area defined by the holographic element a second set of optical information in a second coded pattern that is positioned in superimposed relationship with the first set of optical information, wherein the superimposed first set of optical information and second set of optical information results in a pattern of light,” as recited in claim 1. In fact, Drinkwater teaches away from Applicants’ invention as it teaches that superimposed images reduces efficiency and brightness of the images “which is particularly disadvantageous” (col. 2, line 52 - col. 3, line 25; col. 10, lines 24-48). Thus, Drinkwater does not teach or suggest Applicants’ invention.

Because Drinkwater does not teach or describe each of the elements recited by claims 1 or 12 of Applicant's application, it cannot anticipate Applicants' invention. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 1 and 12 of the pending application under 35 U.S.C. § 102(b).

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 1 and 12 under U.S.C. § 102(b) as being anticipated by Stork.

The invention described in and taught by Stork is very different from the invention claimed by Applicants. Stork is directed to a holographic security device utilizing optically diffractive structures.

Stork does not in any way teach or describe a "a holographic element coupled to the substrate, the holographic element including within a planar area defined by the holographic element a first set of optical information in a first coded pattern and including within one or more portions of the planar area defined by the holographic element a second set of optical information in a second coded pattern that is positioned in superimposed relationship with the first set of optical information, wherein the superimposed first set of optical information and second set of optical information results in a pattern of light," as recited in claim 1. In fact, Stork teaches away from Applicants' invention as it teaches that the structures that provide the benefits in their device must be arranged in different sub-regions that are separated from one another (col. 2, lines 56-64; col. 3, line 64 - col. 4, line 4; Figures 2-3; Figure 1H, 1E). Thus, Stork does not teach or suggest Applicants' invention.

Because Stork does not teach or describe each of the elements recited by claims 1 or 12 of Applicant's application, it cannot anticipate Applicants' invention. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 1 and 12 of the pending application under 35 U.S.C. § 102(b).

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 1 and 12 under U.S.C. § 102(b) as being anticipated by Lee.

The invention described in and taught by Lee is very different from the invention claimed by Applicants. Lee is directed to a diffractive device for generating one or more diffracting images, including a surface relief structure arranged in a series of tracks.

Lee does not in any way teach or describe a "a holographic element coupled to the substrate, the holographic element including within a planar area defined by the holographic element a first set of optical information in a first coded pattern and including within one or

more portions of the planar area defined by the holographic element a second set of optical information in a second coded pattern that is positioned in superimposed relationship with the first set of optical information, wherein the superimposed first set of optical information and second set of optical information results in a pattern of light,” as recited in claim 1. In fact, Lee teaches away from Applicants’ invention as it teaches that the tracks that provide the multiple diffracting images are arranged in different regions that are separated from one another (col. 2, lines 35-45; Figures 1-11). Thus, Stork does not teach or suggest Applicants’ invention.

Because Lee does not teach or describe each of the elements recited by claims 1 or 12 of Applicant’s application, it cannot anticipate Applicants’ invention. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 1 and 12 of the pending application under 35 U.S.C. § 102(b).

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 1-3, 8, and 12-13 under U.S.C. § 102(e) as being anticipated by Moon.

The invention described in and taught by Moon is very different from the invention claimed by Applicants. Moon is directed to a diffraction grating based optical identification element.

Moon does not in any way teach or describe a “a holographic element coupled to the substrate, the holographic element including within a planar area defined by the holographic element a first set of optical information in a first coded pattern and including within one or more portions of the planar area defined by the holographic element a second set of optical information in a second coded pattern that is positioned in superimposed relationship with the first set of optical information, wherein the superimposed first set of optical information and second set of optical information results in a pattern of light,” as recited in claim 1. In fact, Moon teaches away from Applicants’ invention as it teaches that the structures or elements (i.e., beads) that provide the codes for a particular diffractive grating must be arranged in grooves or pits in the substrate juxtaposed to similar diffractive structures. There is no superimposition of beads, and, in fact, each bead or element is located in a unique region or physical space that is different from the region or physical space occupied by a different bead (Pars. 9-10; Figures 28-29, 31-32, 33-38, 52-53). The collocation described in Moon refers to multiple beads located serially within the substrate, each of which provides a different code (Par. 8). Thus, Moon does not teach or suggest Applicants’ invention.

Because Moon does not teach or describe each of the elements recited by claims 1-3, 8 or 12-13 of Applicant's application, it cannot anticipate Applicants' invention. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 1-3, 8 and 12-13 of the pending application under 35 U.S.C. § 102(b).

REJECTION UNDER 35 U.S.C. § 103(a):

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 7, 9-11 under U.S.C. § 103(a) as being unpatentable over Moon.

Because, as stated above, Moon does not teach or describe the invention recited in claim 1, Moon cannot teach or suggest any of claims 7 or 9-11. Thus, Daniel does not describe or teach Applicants' invention.

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 4-6, 14-20 under U.S.C. § 103(a) as being unpatentable over Daniel in view of Jung (US 4,171,864).

For the same reasons as described above with respect to independent claim 1, Daniel does not teach or describe each of the elements of independent claim 4.

Jung does not in any way teach or describe a "a holographic element coupled to the substrate, the holographic element including within a planar area defined by the holographic element a first set of optical information in a first coded pattern and including within one or more portions of the planar area defined by the holographic element a second set of optical information in a second coded pattern that is positioned in superimposed relationship with the first set of optical information, wherein the superimposed first set of optical information and second set of optical information results in a pattern of light," as recited in claim 4.

Because Daniel and Jung do not teach or describe each of the elements recited by claims 4-6 or 14-20 of Applicant's application either independently or in any known combination, Applicants' invention cannot be obvious over Daniel in view of Jung. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 4-6 and 14-20 of the pending application under 35 U.S.C. § 103(a) and allow Applicants' claims to issue as a patent.

Applicants respectfully submit that the Examiner should withdraw the rejection of claims 4-6, 14-20 under U.S.C. § 103(a) as being unpatentable over Moon in view of Jung.

For the same reasons as described above with respect to independent claim 1, Moon does not teach or describe each of the elements of independent claim 4.

As stated above, Jung does not in any way teach or describe a “a holographic element coupled to the substrate, the holographic element including within a planar area defined by the holographic element a first set of optical information in a first coded pattern and including within one or more portions of the planar area defined by the holographic element a second set of optical information in a second coded pattern that is positioned in superimposed relationship with the first set of optical information, wherein the superimposed first set of optical information and second set of optical information results in a pattern of light,” as recited in claim 4.

Because Moon and Jung do not teach or describe each of the elements recited by claims 4-6 or 14-20 of Applicant’s application either independently or in any known combination, Applicants’ invention cannot be obvious over Moon in view of Jung. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of claims 4-6 and 14-20 of the pending application under 35 U.S.C. § 103(a) and allow Applicants’ claims to issue as a patent.

NEW CLAIMS:

For the same reasons as stated above with respect to claims 1-20, Applicants’ new claims 21-24 are not anticipated by or obvious over Daniel, Drinkwater, Stork, Lee, Moon or Jung whether alone or in any known combination.

CONCLUSION

In view of the foregoing amendments and remarks, each of the claims of the above referenced application is believed to be in condition for allowance, and Applicants respectfully requested that the Examiner at his earliest convenience withdraw the rejection of the claims and issue a notice of allowance.

Applicants can be reached at (973) 912-7174 if the Examiner believes that oral communication with Applicants will expedite issuance of this application.

Respectfully submitted,

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